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April 14, 1993

*m.m. Doc-87-268*

The Honorable James H. Quello  
Chairman  
Federal Communications Commission  
1919 M Street, N.W. - Room 802  
Washington, D.C. 20554

Dear Chairman Quello:

The purpose of this letter is (a) to confirm our strong support for the ATV allotment/assignment principles that we and some 100 other broadcast organizations have endorsed in the past and (b) to inform the Commission of additional refinements we are adding to our computer model that will more accurately pinpoint actual coverage/interference problems, reduce the scope of these problems and avoid delay in the ATV system-selection process.

\* \* \*

Advanced television presents a host of daunting challenges and uncertainties for local television stations. Yet it remains clear that, because of their indispensable role in serving the public, local stations must have the opportunity to participate in this new digital technology on a basis that is fully competitive with their video media rivals who are not constrained, as are local broadcasters, to 6 MHz channels.

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Because of the scope of these challenges and uncertainties, it is not surprising that broadcasters from time to time have divergent views about ATV. From the beginning, however, and with the Commission's encouragement, broadcasters have sought to develop consensus among themselves on critical ATV implementation issues. What may be surprising to some but, we believe, very constructive to the process is the extent to which these efforts have borne fruit. Thus, broadcasters initiated the Commission's advanced television proceeding, MM Docket No. 87-268, with a joint Petition for Notice of Inquiry filed in February 1987, and have since filed

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parties, special panels, sub-groups and other entities associated with the Commission's Advisory Committee on Advanced Television Service.

During the time that ATV has been under consideration by the FCC, there have been tremendous advancements in

which the undersigned are committed to resolving as expeditiously as possible.

I.

Not the least of the challenges confronting both television stations and the FCC are allotment/assignment issues -- how should existing stations obtain suitable new ATV channels and how should the new ATV channels be configured. Allotment/assignment issues cannot be divorced from the issues of picking the most suitable ATV technology for terrestrial broadcasting and should be resolved at the same time. For example, the proponent systems have the potential in somewhat varying degrees to generate interference to both the existing NTSC and the new ATV service. It is critical that the allotment/assignment process be designed with the interference characteristics of the chosen technology in mind.

In this area, also, the industry's efforts toward consensus-building and its contributions to the process have been prodigious. The undersigned organizations have spent large sums and have devoted the labors of their expert technical staffs and outside consultants over a four-year period to develop and refine the computer tools necessary to undertake various allotment/assignment analyses. They have made these tools available to the Advisory Committee, particularly Planning Subcommittee Working Party 3, and the

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Commission's staff. Though the software is proprietary, the undersigned have conducted all the analyses requested by WP-3, using whatever combination of assumptions it decided was most suitable. The undersigned have also made similar information available to the Commission's staff; they have met with OET and others for over two years; and they have given OET access to their software, through their contractor, to develop models based on the undersigned's past work.

With respect to our consensus-building efforts, in addition to the various joint pleadings we have submitted, we also sent joint letters to the Commission -- on June 6, 1991, and March 10, 1992 -- setting forth the allotment/assignment principles that we believe best serve the public interest. They are also reflected in the Advisory Committee's Fifth Interim Report (at pages 12 and 21-22, respectively).

The principles we have endorsed include the following:

(1) ATV channels should be paired with existing NTSC stations. The basis for this pairing should be NTSC stations' existing transmitter sites, but flexibility should be provided so that particular stations may use different sites for their ATV transmitter facilities than they use for their current NTSC facilities.

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(2) Both UHF and VHF channels should be made available for ATV allotments/assignments. Even the Commission staff's sample table was unable to accomplish the stated goal of trying to squeeze all ATV allotments into the UHF band; it included the use of VHF channels for 17 MHz allotments. Also

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engineering criteria and, to the extent possible, be based on interference, terrain and other real-world factors. Without causing substantial interference to existing NTSC service, these principles would seek to provide an ATV coverage area for each existing station comparable to the NTSC coverage provided by the station with the greatest coverage in that market, subject to assuring every station minimum ATV coverage that is at least comparable to its existing NTSC coverage. These principles are set forth in greater detail on pages 5-6 of the Joint Broadcaster Comments filed July 17, 1992, and are embodied in software that has been used by PS/WP3 of the Advisory Committee and made available to the Commission's staff.

## II.

We currently are developing further refinements in the methods we recommend for implementing these principles. These refinements will improve coverage and interference predictions, using new and more advanced techniques that better reflect reality by taking into account terrain and populations served. It will take some four months to integrate these techniques into our software so it can be applied to markets (involving many stations and large populations) where allotment/assignment problems are expected to exist,

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with ramifications for both ATV and NTSC interference and service.

Our work to date has already narrowed the number of markets where problems may exist. Moreover, development and implementation of these more refined tools, which we believe will help resolve coverage/interference issues, will not result in any delay to the system selection process because they can and will be undertaken during the time that system improvements will be tested.

Notwithstanding the concurrence of the Advisory Committee with the basic allotment/assignment principles that we and other broadcasters have endorsed, the Commission, on April 9, 1992, and July 16, 1992, tentatively proposed (a) to limit the allotment of ATV channels to the UHF band, (b) to allot a pool of ATV channels to communities, (c) to adopt a ~~first-come-first-served approach to channel assignments~~ /after



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of Proposed Rulemaking, 7 FCC Rcd 3340, at ¶¶ 12-16 (1992).

At that time and subsequently on numerous occasions, we have been reassured by Commissioners and other Commission personnel that our recommendations would be given full and fair consideration. We continue to rely on that open-mindedness since we are devoting substantial financial resources and huge manpower

- (4) limit the service disenfranchisement of a station's existing viewers when it transitions to its ATV channel; and
- (5) speed ATV implementation, reduce costs, reduce conflicts and disputes and facilitate effective resolution of intra- and inter-market negotiations.

Our studies have already shown, for instance, that there would be 4,000,000 more square kilometers in ATV service area, affecting substantial populations, under our approach than under the approach set forth in the Notice. See Joint Broadcaster Comments at pages 7-9, MM Docket No. 87-268 (filed Nov. 16, 1992). The further studies we are undertaking will add even greater precision to these numbers and will provide more information about the population in these areas. As a result, when the Commission makes its decision as to which approach to follow, it will have available the best possible information. The Advisory Committee will also have the benefit of these data, as it, too, moves toward final recommendations in this area.

\* \* \*

The issue at stake in the Commission's ATV proceeding and the subject of the Advisory Committee's intensive deliberations is the establishment of a local, over-the-air

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the undersigned organizations, are committed to supporting this process. This support has taken the form of huge investments of money and expertise. Broadcasters have also sought and achieved consensus on a broad range of issues -- consensus positions that we believe have assisted and expedited the process. The further refinements in our recommended allotment/assignment approach reported on in this letter constitute another major contribution of industry resources and another major effort toward consensus. We believe the results will narrow and help resolve some of the crucial coverage/interference/allotment/assignment issues without entailing any delay. We also will continue to work closely with the Commission's staff and the Advisory Committee on these issues.

Respectfully submitted,

**ASSOCIATION FOR MAXIMUM  
SERVICE TELEVISION, INC.**

By: /s/ Margita E. White  
Margita E. White  
President

**ASSOCIATION OF INDEPENDENT  
TELEVISION STATIONS, INC.**

By: /s/ James B. Hedlund  
James B. Hedlund  
President

**ASSOCIATION OF AMERICA'S  
PUBLIC TELEVISION STATIONS**

By: /s/ Marilyn Mohrman-Gillis  
Marilyn Mohrman-Gillis  
General Counsel

**CBS INC.**

By: /s/ Mark W. Johnson  
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Washington Counsel

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**CAPITAL CITIES/ABC, INC.**

By: /s/ Sam Antar  
Sam Antar  
V.P., Law & Regulation

**NATIONAL ASSOCIATION OF  
BROADCASTERS**

By: /s/ Edward O. Fritts  
Edward O. Fritts  
President/CEO

**PUBLIC BROADCASTING SERVICE**

By: /s/ Paula A. Jameson  
Paula A. Jameson  
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